

FILED  
JAMES BONINI  
CLERKUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JAMES EDWARD LANG, JR., : Civil No. C-1-02-121  
Plaintiff, : Judge Weber  
vs. : Magistrate Judge Perelman  
JOHN E. POTTER, Postmaster : DEFENDANTS' UNOPPOSED MOTION  
General, et al., : FOR PERMISSION TO FILE  
Defendants. : DEFENDANTS' MOTION FOR  
: SUMMARY JUDGMENT OUT OF TIME  
: AND MEMORANDUM IN SUPPORT

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John E. Potter, the Postmaster General of the United States, and Brian Abeling and Larry Smith, Postal Service supervisors, respectfully moves the Court for permission to file Defendants' Motion for Summary Judgment out of time. Plaintiff Lang has been advised of this motion and has no objection to it.

MEMORANDUM

Defendants' Motion for Summary Judgment was to have been filed earlier in February. However, due to the press of other matters, counsel for defendants was unable to meet the deadline. Plaintiff Lang has been advised of this motion and has no objection to it.

GREGORY G. LOCKHART  
United States Attorney

*Gerald F. Kaminski*

s/Gerald F. Kaminski

GERALD F. KAMINSKI (0012532)

Assistant United States Attorney  
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANTS'  
UNOPPOSED MOTION FOR PERMISSION TO FILE DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT AND MEMORANDUM OF IN SUPPORT was served this  
day of February, 2004 by regular U.S. mail, postage prepaid  
on: James Edward Lang, Jr., 5460 Bahama Terrace, Apt. 7,  
Cincinnati, OH 45223.

*Gerald F. Kaminski*

s/Gerald F. Kaminski

GERALD F. KAMINSKI (0012532)

Assistant United States Attorney